

MSU 4.1-541
Appl. No. 09/761,143
Amdt. Dated: July 21, 2008
Reply to Office Action mailed April 29, 2008

REMARKS

Claims 1, 3-6, 15-18, 27-30 and 34-36 are pending. No claims are allowed.

Independent Claims 1 and 27 have been amended to more clearly recite the claimed method. The method step of "inhibiting" has been directly claimed in line with the preamble.

Claims 1 and 27 have been amended to delete "lyophilized" and to call for a "powder" as in Examples 1, 2 and 3. The remaining Examples show the activity of cyanidin and little or no activity of the anthocyanin against PGHS-1 or PGHS-2. Example 4 states that the anthocyanin can be hydrolyzed in the gut of the mammal (page 15, lines 16 to 18).

Claims 1, 3-6, 15-18, 27-30 and 34 were rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement. Claim 1 has been amended to delete "isolated".

Claims 1, 3-6, 15-18, 27-30 and 34 were rejected under 35 USC 103(a) as being unpatentable over Gryglewski et al. (1987) in view of Lietti et al. (GB

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1,589,294), in view of Lenoble et al. (U.S. Patent No. 5,908,650), in view of Brenner (U.S. Patent No. 5,462,932) and in view of Roy (U.S. Patent No. 4,712,310 A). All but one reference was discussed in the previous amendments by Applicants'.

The cited prior art does not recognize that the natural acids and sugars have to be removed from the dried, powdered mixture to prevent hydrolysis of the anthocyanin in the composition. It is counter intuitive to add back to the composition a food grade acid which can hydrolyze the anthocyanin to cyanidin, such as ascorbic acid, as in new Claims 35 and 36.


In the new rejection, Lenoble et al. (U.S. Patent No. 5,908,650) was substituted for the previously cited Hellberg et al. Lenoble et al. relates to pigment improving agents, the pigment being an anthocyanin. The goal is to improve the stability of the anthocyanin by adding a pigment improving agent derived from various plants. Rosmarinic acid apparently stabilizes the anthocyanins, along with the "flavonoid glycolides" or flavonoid glycosides" with acid groups and caffeic acid

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derivatives. The method claims call for hydrolyzing the anthocyanins. There is no way that one skilled in the art could combine Lenoble et al., dealing with stabilizing anthocyanins, with the previously cited references to render the presently claimed method obvious to one skilled in the art. Applicants' method uses both cyanidin and anthocyanin with the food grade acid, which is not suggested by the prior art.

It is now believed that Claims 1, 3-6, 15-18, 27-30 and 34-36 are in condition for allowance. Notice of Allowance is requested.

Respectfully



Ian C. McLeod
Registration No. 20,931

IAN C. McLEOD, P.C.
2190 Commons Parkway
Okemos, Michigan 48864

Telephone: (517) 347-4100
Facsimile: (517) 347-4103
Email: ianmcld@comcast.net